

REMARKS

This Amendment is filed in response to the non-final Office Action dated September 14, 2010, and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance are respectfully requested.

In the present Amendment, claim 1 has been amended to improve its form and to incorporate the subject matter recited in claim 2. Support for the amendments can be found, e.g., in original claims 1 and 2.

Claims 2, 11, 16 and 18 have been canceled.

Claim 9 has been amended to incorporate formula (B1) and the definitions of the variables therein. Support for the amendments can be found, e.g., in original claim 9.

Claim 10 has been amended to incorporate the subject matter of claim 11. Support for the amendments can be found, e.g., in original claim 11.

Claim 12 has been amended to incorporate the identifier for formula (M1) and to replace the structure of (M1) with a structure that is clear based on the structure provided in original claim 12. Therefore, no underscore was required for the structure of formula (M1). Support for the amendments can be found, e.g., in original claim 12.

Claim 13 has been amended to incorporate the identifier for formula (M2) and to replace the structure of (M2) with a structure that is clear based on the structure provided in original claim 13. Therefore, no underscore was required for the structure of formula (M2). Support for the amendments can be found, e.g., in original claim 13. Claim 13 was also amended to depend from claim 10 and to improve the claim form by replacing the phrase “selected from” with the phrase “selected from the group consisting of”.

Claim 14 has been amended to incorporate the subject matter recited in claims 1, 4 and 10. Support for the amendment can be found, e.g., in original claim 14.

Claim 15 has been amended to incorporate the subject matter recited in claim 18. Original claim 18 depended from claim 15, and therefore support for this amendment can be found, e.g., in original claim 18.

Claim 17 has been amended to incorporate the dye of formula (M1) as recited in claim 12, into claim 17. Original claim 17 depended from claim 12 and therefore support for this amendment can be found, e.g., in original claim 17.

Claim 19 is rewritten as an independent claim and incorporates original claim 15, the dye of formula (M1) according to claim 12 and the dye of formula (M2) according to claim 13. Original claim 19 depended from claims 12, 13 and 15 and therefore the support for this amendment can be found in original claims 19 and 15, for example.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1, 3-10, 12-15, 17 and 19 will be all the claims pending in the application.

I. Response to Claim Objections

Claims 1, 12 and 13 have been objected to for minor informalities. The Examiner further requests clarification as to whether formulae (M1) and (M2) as presented in the Preliminary Amendment are identical to formulae (M1) and (M2) recited in the original claims.

Applicant respectfully requests that the objection be withdrawn in view of the amendments to claims 1, 12 and 13 which correct the informal errors set forth in paragraph 2 of the Office Action. Applicant further affirms that the structures of formulae (M1) and (M2) as

presented in the Preliminary Amendment are identical to formulae (M1) and (M2), recited in the original claims. Accordingly, withdrawal of the objection is requested.

II. Rejection Under 35 U.S.C. § 112

Claims 9, 13, 14 and 16-19 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicant respectfully traverses and requests that the rejection be withdrawn in view of the amendments to the claims and the following remarks.

To address the rejection, Applicant has amended the claims as follows. Claim 9 has been amended to incorporate formula (B1) and the definitions of the variables therein. Claim 13 is amended to incorporate the identifier for formula (M2) and to replace the structure of (M2) with a structure that is clear based on the structure provided in original claim 13. Claim 13 was also amended to depend from claim 10 and to improve the claim form by replacing the phrase “selected from” with the phrase “selected from the group consisting of”. Claim 14 has been amended to incorporate the subject matter recited in claims 1, 4 and 10. Claim 17 has been amended to incorporate the dye of formula (M1) as recited in claim 12, into claim 17. Claim 19 is rewritten as an independent claims and incorporates original claim 15, the dye of formula (M1) according to claim 12 and the dye of formula (M2) according to claim 13.

Claims 16 and 18 have been canceled and therefore the rejection of claims 16 and 18 is moot. Withdrawal of the rejection of claims 9, 13, 14, 17 and 19 is kindly requested.

III. Response to Double Patenting Rejections

Claims 4-9 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6 and 8-11 of co-pending application 11/582,962.

Claims 4-9 are rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 6 and 8-10 of U.S. Patent 7,303,272.

Claims 10 and 12 are rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 2 and 5-7 of U.S. Patent 7,175,268.

Applicant concurrently submits three (3) Terminal Disclaimers in response to the rejections above. Accordingly, approval and entry of the Terminal Disclaimers, and withdrawal of the rejections of claims 4-9, 10 and 12 are kindly requested.

IV. Response to Rejections Under 35 U.S.C. § 102

(1) Claims 4-9 are rejected under 35 U.S.C. § 102(a) as being anticipated by WO 2004/029166 (U.S. 7,303,272 is the English Equivalent).

(2) Claims 4, 7 and 8 are rejected under 35 U.S.C. § 102(a) as being anticipated by WO 2004/078860 (U.S. 7,462,228 is the English equivalent).

(3) Claims 10, 12 and 15-17 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. 2004/0050291 (Taguchi).

(4) Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2003/221534 (JP '534).

(5) Claims 10, 12 and 15-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 03/068872 (U.S. 7,175,268 is the English equivalent).

(6) Claims 10, 12 and 15-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 7,083,668 (Taguchi).

(7) Claims 10-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 7,323,045 (Hanmura).

TRAVERSAL

Applicant respectfully traverses the above rejections and requests that the rejections be withdrawn in view of the amendments to the claims, the remarks below, and the submission of verified English translations of Applicant's priority documents: JP 2003-363728 and JP 2003-363883. The rejections are addressed in turn below.

(1) and (2): Without conceding to the merits of the rejection, Applicant concurrently submits herewith a sworn English translation Applicant's priority document Japan JP 2003-363728. Applicant respectfully submits that his claim for foreign priority under 35 U.S.C. § 119 (a) - (d) has been perfected.

Support under 35 U.S.C. § 112 for each claim can be found in the priority document as indicated in the claim chart below:

Claim	Support in JP 2003-363728 (citations are to the English translation)
Claim 4	p. 3, claim 1; and p. 8 at [0006].
Claim 5	p. 3, claim 2; and p. 8 at [0006].
Claim 6	p. 3, claim 3; and p. 8 at [0006].
Claim 7	p. 4, claim 4; and pp. 8-9 at [0006].
Claim 8	p. 4, claim 5; and p. 9 at [0006].
Claim 9	p. 4, claim 6; and p. 9 at [0006].

In view of the above, the Examiner is respectfully requested to remove WO 2004/029166 and WO 2004/078860 as a prior art references because the § 102(a) dates of WO 2004/029166 (April 8, 2004) and WO 2004/078860 (September 16, 2004) are later in time than Applicant's priority date of October 23, 2003. Withdrawal of these § 102(a) rejections is therefore requested.

(3), (5) and (6): Applicant respectfully submits that claim 10 as amended is patentable over the prior art references, because claim 10 has been amended to incorporate the subject matter recited in claim 11. Accordingly, withdrawal of the rejections of claims 10, 12 and 15-17 based independently on U.S. 2004/0050291, WO 03/068872, and U.S. 7,083,668 is kindly requested.

(4): Applicant submits that the amendment to claim 1, incorporating the subject matter recited in claim 2 (a non-rejected claim), overcomes the rejection, because JP '534 fails to disclose the subject matter recited in amended claim 1. Withdrawal of the rejection of claims 1 and 3 under § 102(b) is kindly requested.

(7): Without conceding to the merits of the rejection, Applicant concurrently submits herewith a sworn English translation Applicant's priority document Japan JP 2003-363883. Applicant respectfully submits that his claim for foreign priority under 35 U.S.C. § 119 (a) - (d) has been perfected.

Support under 35 U.S.C. § 112 for each claim can be found in the priority document as indicated in the claim chart below:

Claim	Support in JP 2003-363883 (citations are to the English translation)
Claim 10	p. 3, claims 1 and 2; and p. 10 at [0006].

Claim 12	pp. 3-5, claim 3; and pp. 10-12 at [0006]-[0008].
Claim 13	p. 5, claim 4; and pp. 12-14 at [0006]-[0010].
Claim 14	p. 3, claims 1 and 2; and p. 10 at [0006].
Claim 15	p. 6, claims 5 and 6; and p. 14 at [0010].
Claim 17	p. 6, claims 5 and 6; and p. 14 at [0010].
Claim 19	p. 6, claims 5 and 6; and pp. 14-15 at [0010].

In view of the above, the Examiner is respectfully requested to remove U.S. 7,323,045 as a prior art reference because the § 102(e) date (September 28, 2004) is later in time than Applicant's priority date of October 23, 2003. Withdrawal of the § 102(e) rejections of claims 10-19 based on U.S. 7,323,045 is therefore requested.

V. Response to Rejection Under 35 U.S.C. § 103(a)

Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2003/231835 in view of JP 2003/192930.

Applicant respectfully traverses the rejection and requests that the rejection be withdrawn in view of the following remarks.

Applicant submits that although the Examiner combines the specific anthrapyridone dye of JP '930 with the omega-type (Ω -type) magenta dye of JP '835, neither JP '930 nor JP '835 teaches a specific combination.

Furthermore, in the present invention, unexpected effects are obtained by the specific combination as shown in Examples of the present application. That is, the dyes mutually

covered the defects in the jet-out stability and light fastness of the Ω -type magenta dye, Dye M-2. The dyes also covered the defect of bleeding of the anthrapyridone dye (Dye M-3) by the combination.

JP '835 and JP '930 are silent with respect to the selection and combination of the two specific dyes from the numerous dyes existing in the world. Furthermore, these dyes do not belong to a similar structure group. JP '835 and JP '930 are also silent as to the effects obtained by the combination of the two dyes.

In view of the above, there would be no motivation to modify JP '835 by using the specific anthrapyridone dye of JP '930. Accordingly, withdrawal of the § 103 rejection of claims 10-13 is respectfully requested.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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